

22156



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Signature

IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor Martin HIRSCH et al
Patent App. 10/088,426 (US Nat'l phase of PCT/EP00/06174)
Filed 12 June 2002
For DEVICE FOR THERMALLY TREATING GRANULAR SOLID MATTER
Art Unit Not known

Hon. Commissioner of Patents
Attn: ~~PCT Legal Office~~
Box 1450
Alexandria, VA 22313-1450

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24 SEP 2004

Legal Staff
International Division

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FEB 27 2004

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COMMUNICATION

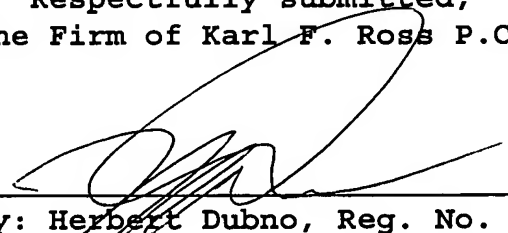
Applicant, by its attorney, the undersigned, respectfully requests a statement as to the status of the application and assignment of this case for action at an early date.

On or about 1 October 2002, a communication issued dismissing a petition under 37 CFR 1.181 as moot and treating the papers under 37 CFR 1.42 as ineffective without prejudice. In accordance with the understanding of the undersigned, the case should therefore have been assigned to an Examiner. On a recent check through PAIR has shown that the application is still undergoing preexamination processing and in Group Art Unit 1764 or still at the legal department. That is not understood.

Nor does Applicant understand why the communication of 29 July 2002, which was submitted prior to issuance of the 1 October 2002 communication and not acknowledged therein, was not listed as a portion of the file contents. That communication contained the address of Kristina Stolarski and Eberhard Stolarski which was requested in the decision on papers under 37 CFR 1.42 it would appear that a formal filing certificate should have issued in the case and that the case should have been passed to publication sometime ago.

Clarification is, therefore, requested.

Respectfully submitted,
The Firm of Karl F. Ross P.C.



By: Herbert Dubno, Reg. No. 19,752
Attorney for Applicant

db-

DATED: 17 December 2003
5676 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: 718-884-6600
Fax: 718-601-1099
Encls: Copy of Communications
PAIR page

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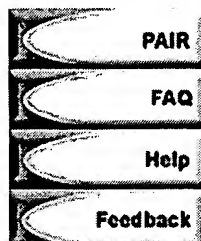
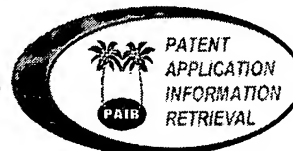
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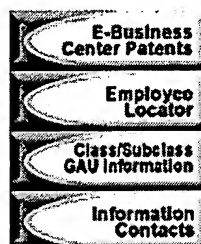
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PATENT APPLICATION INFORMATION RETRIEVAL



Other Links



Search results for application number:10/088,426			
Application Number:	10/088,426	Customer Number:	535
Filing or 371(c) Date:	-	Status:	Application Underg Preexam Processin
Application Type:	Utility	Status Date:	03-15-2002
Examiner Name:	-	Location:	PCT LEGAL DEPARTMENT -- CF
Group Art Unit:	1764	Location Date:	09-30-2003
Confirmation Number:	1769	Earliest Publication No:	-
Attorney Docket Number:	22156	Earliest Publication Date:	-
Class/ Sub-Class:	-/-	Patent Number:	-
First Named Inventor:	Martin Hirsch, ,	Issue Date of Patent:	-
Title Of Invention:	Device for thermally treating granular solid matter		

Foreign Priority

Continuity Data

Publication Review

File Contents History		
Number	Date	Contents Description
4	10-01-2002	Petition Decision - Dismissed
3	06-24-2002	Petition Entered
2	06-18-2002	Notice of DO/EO Missing Requirements Mailed
1	03-15-2002	Initial Exam Team nn

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IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor Martin HIRSCH et al
Patent App. 10/088,426 (US Nat'l phase of PCT/EP00/06174)
Filed 12 June 2002
For DEVICE FOR THERMALLY TREATING GRANULAR SOLID
 MATTER
Art Unit Not known
Hon. Commissioner of Patents
Washington, DC 20231

COMMUNICATION

The undersigned submits herewith certified copy of the Inheritance Certificate together with a sworn English translation thereof, showing the legal heirs of the deceased inventor Eberhard STOLARSKI.

Respectfully submitted,
The Firm of Karl F. Ross P.C.

By: Herbert Dubno, Reg. No. 19,752
Attorney for Applicant

29 July 2002
5676 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: (718) 884-6600
Fax: (718) 601-1099
rg
Enclosure

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Pat. App. 10/088,426

State of New York)
)
County of the Bronx) ss:

TRANSLATOR'S AFFIDAVIT

I, Ruth Goldstein, a citizen of the United States of America, residing in Ft. Lee, New Jersey, depose and state that:

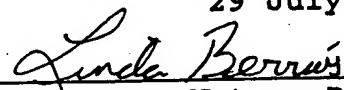
I am familiar with the English and German languages;

I have read a copy of the German-language document attached hereto, namely Certificate of Inheritance No. 4 VI St 52/99; and

The hereto-attached English-language text is an accurate translation of the above-identified German-language document.


Ruth Goldstein

Sworn to and subscribed before me
29 July 2002


Notary Public

LINDA BERRIOS
Notary Public State of New York
No. 01BE5016825
Qualified in Bronx County
Commission expires August 23, 2005

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[Translation of Inheritance Certificate]

1st Copy

Certified Copy

4 VI St 52/99

COLLECTIVE CERTIFICATE OF INHERITANCE

Johannes Eberhard Stolarski
born on 04.05.1947 In Halle (Saale)
last residence in Oberursel,
has died on 08.12.1999 in Frankfurt/Main his heirs being:

1.) His spouse

Kristina Stolarski née Aehle
born on 08.04.1942
Henricusstr. 31, 61440 Oberursel

- ½ -

2.) his children

Mathias Eberhard Stolarski
born on 08.12.1987
Henricusstr. 31, 61440 Oberursel

Anett Stolarski
born on 04.12.1969
Adolf Rothe Str. 3, 25524 Itzehoe

Juliane Stolarski
born on 28.10.1981
Henricusstr. 31, 61440 Oberursel

- each 1/6 -

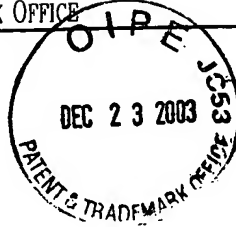
based on legal succession rights

Bad Homburg v.d.H, 09.02.2000
District Court
Meyer, Legal Clerk

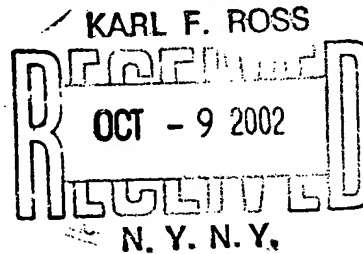
Issued
-Bad Homburg v.d. Höhe
ss/ signature
Certification Clerk, Business



01 OCT 2002



The Firm of Karl F. Ross P.C.
5676 Riverdale Ave., Box 900
Riverdale (Bronx), NY 10471



In re Application of
Hirsch et al.
Application No. 10/088426
PCT No.: PCT/EP00/06174
Int. Filing Date: 03 July 2000
Priority Date: 17 September 1999
Atty. Docket No.: 22156
For: Device For Thermally Treating
Granular Solid Matter

DECISION ON

PAPERS UNDER

37 CFR 1.42

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This is in response to the "Communication" filed on 24 June 2002 which is being treated as a petition under 37 CFR 1.181.

BACKGROUND

This international application was filed on 03 July 2000, and claimed a priority date of 17 September 1999. The International Bureau transmitted a copy of the published international application to the USPTO on 29 March 2001. A Demand electing the United States was filed before the expiration of 19 months from the priority date. Accordingly, the 30 month time period to file the basic national fee in the U.S. expired as of midnight on 17 March 2002.

On 15 March 2002, applicants filed *inter alia* the basic national fee.

On 18 June 2002, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the filing of an executed oath or declaration and a surcharge under 37 CFR 1.492(e).

The instant "Communication" was filed on 24 June 2002.

DISCUSSION

The instant "Communication" is accompanied by copies of a Transmittal Letter (Form PTO-1390) including a fee calculation sheet, a declaration and a return postcard receipt itemizing the "PCT Transmittal" and the "Declaration and Power of Attorney" and stamped as received by the USPTO on "JUN 12 2002."

Review of the application file reveals the presence of two executed declarations

received on 12 June 2002. Accordingly, the petition under 37 CFR 1.181 is dismissed as moot.

Inspection of the declaration reveals that it has been signed by "Kristina STOLARSKI, Executrix" on behalf of deceased joint inventor Eberhard Stolarski. 37 CFR 1.42 provides in part that

In case of the death of the inventor, the legal representative (executor, administrator, etc.) Of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

If the person making the oath or declaration is not the inventor (§§ 1.42, 1.43 or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

Former § 1.44 required that proof of the authority of the legal representative be submitted. Effective 08 September 2000, § 1.44 was removed and reserved. The requirement to submit proof of legal authority was thereby eliminated. Thus, the signature and accompanying identification of the legal representative is sufficient to establish that the legal representative may make application on behalf of the deceased inventor.

Review of the copy of the declaration filed on 12 June 2002 reveals that it was executed by Kristina Stolarski, acting in the capacity of legal representative for Eberhard Stolarski in accordance with 37 CFR 1.42. The declaration includes citizenship, residence and post office address information for Eberhard Stolarski, but does not include the citizenship, residence and mailing address of the legal representative. As such, the declaration is not in compliance with 37 CFR 1.497(b)(2). Accordingly, it would not be appropriate to accord the application status pursuant to 37 CFR 1.42 on the basis of the present record.

DECISION

The petition under 37 CFR 1.181 is **DISMISSED AS MOOT.**

The papers under 37 CFR 1.42 are DISMISSED, without prejudice.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



Leonard Smith
PCT Legal Examiner
PCT Legal Office



George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6721
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